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Attorneys for The Whiting-Turner Contracting Company; Fidelity and Deposit Company of Maryland; Zurich American Insurance Company; and Travelers Casualty and Surety Company of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MMC CONTRACTORS WEST, INC.
formerly known as Pahor Mechanical
Contractors, Inc., a Nevada corporation,

Case No. 2:12-cv-02131-APG-NJK

Plaintiff.

VS.

THE WHITING-TURNER CONTRACTING COMPANY, a Maryland Corporation; FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a Maryland corporation; ZURICH AMERICAN INSURANCE COMPANY, a New York corporation; TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, a Connecticut corporation; DOES I through XX; ROE CORPORATIONS I through XX, and BOE BONDING COMPANIES inclusive,

**STIPULATION AND ORDER TO
DISMISSAL PLAINTIFF'S CLAIMS
WITH PREJUDICE AND RELEASE OF
\$149,260 CASH DEPOSIT**

Defendants.

IT IS STIPULATED between the parties that Plaintiff's claims against Defendants are dismissed with prejudice. Each party will bear their own attorneys' fees and costs. The parties request that the \$149,260 deposited with the Court, on May 29, 2013 be released and made payable to: MMC Contractors West, Inc., 5080 Cameron, Las Vegas, Nevada 89118 and

1 delivered to Daniel Coppinger, President. See Whiting-Turner Contracting Company's Notice of
2 Cash Deposit (Dkt. 35) attached here as Exhibit A.

3 LIONEL SAWYER & COLLINS

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By: Harold W. Mitts
Harold W. Mitts, Jr.
Nevada Bar No. 8753
General Counsel
MMC Contractors West, Inc.
formerly known as Pahor Mechanical
Contractors, Inc.
5080 South Cameron
Las Vegas, Nevada 89118

10 *Attorneys for Defendants*
11 *Attorneys for The Whiting-Turner*
Contracting Company;
Fidelity and Deposit Company of
Maryland; Zurich
American Insurance Company; and
Travelers Casualty
and Surety Company of America

12 *Attorney for Plaintiff*
13 *MMC CONTRACTORS WEST, INC.*
formerly known as Pahor Mechanical
Contractors, Inc., a Nevada corporation,

14 IT IS SO ORDERED on this 26 day of September, 2013.

15 
16 _____
17 UNITED STATES DISTRICT JUDGE

EXHIBIT #A

Case 2:12-cv-02131-APG-NJK Document 35 Filed 04/03/13 Page 1 of 5

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13 Attorneys for The Whiting-Turner Contracting Company

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 MMC CONTRACTORS WEST, INC.
17 formerly known as Pahor Mechanical
18 Contractors, Inc., a Nevada corporation,

19 Case No. 2:12-cv-02131-APG-NJK

20 Plaintiff,

21 vs.

22 THE WHITING-TURNER CONTRACTING
23 COMPANY, a Maryland Corporation;
24 FIDELITY AND DEPOSIT COMPANY OF
25 MARYLAND, a Maryland corporation;
26 ZURICH AMERICAN INSURANCE
27 COMPANY, a New York corporation;
28 TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, a Connecticut
corporation; DOES I through XX; ROE
CORPORATIONS I through XX, and BOE
BONDING COMPANIES inclusive,

29 **THE WHITING-TURNER
30 CONTRACTING COMPANY'S NOTICE
31 OF CASH DEPOSIT PURSUANT TO
32 MARCH 15, 2013, COURT ORDER**

33 Defendants.

34 Notice is hereby given that The Whiting-Turner Contracting Company has tendered a
35 \$149,260 cash deposit to the Court pursuant to its March 15, 2013, Order. A true and correct

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Case 2:12-cv-02131-APG-NJK Document 35 Filed 04/03/13 Page 2 of 5

1 copy of the deposit receipt is attached here as Exhibit A.

2 LIONEL SAWYER & COLLINS

3

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8 Nevada Bar No. 10612
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13 *Attorneys for The Whiting-Turner*
14 *Contracting Company*

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(702) 385-6888

Case 2:12-cv-02131-APG-NJK Document 35 Filed 04/03/13 Page 3 of 5

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that I am an employee of LIONEL SAWYER & COLLINS and that on April 3rd 2013, I caused documents entitled **THE WHITING-TURNER CONTRACTING COMPANY'S NOTICE OF CASH DEPOSIT PURSUANT TO MARCH 15, 2013, COURT ORDER** be served by depositing same for mailing in the United States Mail, in a sealed envelope addressed to:

Harold W. Mitts
General Counsel
MMC Contractors West, Inc. f/k/a
Pahor Mechanical Contractors, Inc.
5080 South Cameron
Las Vegas, Nevada 89118

Harold W. Mitts
General Counsel
c/o MMC Corp
10955 Lowell, Suite 350
Overland Park, Kansas 66210

An employee of Lionel Sawyer & Collins

EXHIBIT A

Case 2:12-cv-02131-APG-NJK Document 35 Filed 04/03/13 Page 6 of 6

Court Name: District of Nevada
Division: 2
Receipt Number: NVLAS018008
Cashier ID: acaytuer
Transaction Date: 03/29/2013
Payer Name: The Whiting-Turner Contracting

COMM REG MONEY MARKET
For: The Whiting-Turner Contracting
Case/Party: D-NOX-2-12-CV-000131-001
Amount: \$149,260.00

CHECK/MONEY ORDER
Remitter: The Whiting-Turner Contracting

Check/Money Order Num: 7458
Amt Tendered: \$149,260.00

Total Due: \$149,260.00
Total Tendered: \$149,260.00
Change Amt: \$0.00

"Only when bank clears the check,
money order, or verifies credit of
funds is the fee or debt officially
paid or discharged. A \$53 fee will
be charged for a returned check."